

1/26/18

MEMO ENDORSED

The BOP should - as I know that it will - consider Mr. Binday's concerns about his ability to practice his religion while incarcerated, when making any future determination regarding his facility designation.

1/19/2017

Colleen McMahon

The Honorable Colleen McMahon, Chief Judge

United States District Court

Southern District of New York

Thurgood Marshall United States Courthouse

40 Foley Square

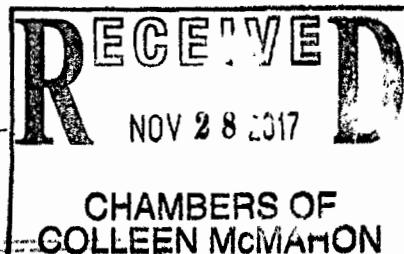
New York, NY 10007

Michael Binday #66389-054

F.C.I. Fort Dix

P. O. Box 2000

Joint Base MDL, NJ 08640



1/26/18	RECEIVED
COURT:	
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JAN 29 2018	
U.S. DISTRICT COURT	

RE: *Michael Binday v. United States*, Case No. 1:17-cv-04723-CM, 1:12-cr-00152-CM

Dear Judge McMahon:

I am reaching out to you due to tremendous difficulty practicing my Jewish religion at the F.C.I. Fort Dix Camp.

Those experienced in these matters suggested you might be able to help. BOP acknowledges recommendations from Federal judges. As such, I humbly solicit your recommendation that BOP transfer me to F.C.I. Otisville.

Faith has always been a large part of my life. Indeed faith and family sustain my soul while incarcerated. In addition to my own religious practice, my children attend Jewish day school. My charitable involvement includes numerous Jewish (and also non-Jewish) organizations such as American Jewish Congress (former board member), AIPAC, UJA, etc. Faith, charity and community are always parts of my life.

It would be difficult to spend over nine more years without Torah in my life. F.C.I. Otisville is known as a haven for observant Jews, a place with Torah and community. As such I hope to transfer at the earliest time BOP is willing to accommodate the request.

My religious issues cannot be resolved at this location. The most critical is the lack of a minyan, an observant community. Jewish law and practice requires ten Jewish men to say daily prayers; Kaddish is supposed to be recited many times each day. The same requirement applies to taking the Torah from

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its arc for prayer or study. We have 3-6 attend services (which I lead), most of whom cannot read Hebrew. Even the chaplain acknowledges the lack of a minyan will always be a problem.

Torah study is a requirement for Jews; we are commanded to learn every day. There is no teacher here; no community to learn with. A volunteer rabbi visits every few weeks and is appreciated, yet that cannot satisfy the obligation to learn daily. Frankly, most of the time is spent on other challenges to religious practice such as a stoppage of challah bread or grape juice for our Friday night Shabbat (Sabbath) services.

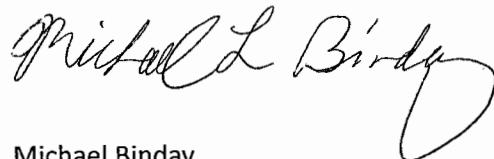
Even our Friday night Shabbat service is structurally unable to satisfy our religious requirement. We welcome our Sabbath by lighting candles; ideally 18 minutes prior to sunset, and no more than one hour prior. We have the chapel room from 5-6:30 pm. That forces us to light the candles much earlier.

Regarding Shabbat candles, we have been out of Shabbat candles for a month. They have them, but delivery has not been a priority.

Some additional issues include (lack of) Hebrew language study. Struggles maintaining a kosher diet; I am the only Kosher Jew in the population. Going to a Mikveh (ritual bath) to purify before the high holidays; the BOP guide to Jewish practice suggests they accommodate this for campers (as it requires an "out" status).

BOP is more likely to seriously consider a transfer with your recommendation. Thank you for your consideration.

Respectfully,



Michael Binday

#66389-054